



United States Department of the Interior
Fish and Wildlife Service

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825

IN REPLY REFER TO:
1-1-01-F-28

January 9, 2001

Mr. Michael Ritchie
U.S. Department of Transportation
Federal Highway Administration
California Division
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

Subject: Reinitiation of Formal Endangered Species Consultation and Amendment to the Biological Opinion (File # 1-1-96-F-40) for the New Benicia-Martinez Bridge Project

Dear Mr. Ritchie:

This is in response to your letter dated December 18, 2000, requesting a modification of the "in water" work window to complete the new Benicia-Martinez bridge project. At issue are potential impacts to the federally threatened delta smelt (*Hypomesus transpacificus*), its critical habitat, and the federally threatened Sacramento splittail (*Pogonichthys macrolepidotus*) (splittail). The U.S. Fish and Wildlife Service prepared a biological opinion for this project on August 19, 1996, (Service File #1-1-96-F-40).

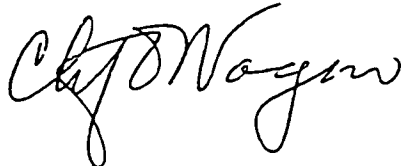
Our opinion was based on the proposal to work in waters 3-meters or less between December 1 and March 31, to minimize impacts to delta smelt and splittail. However, because of unforeseen circumstances, you are requesting a modification of the work window to July 1 through October 31, of any given year. We have reviewed the enclosed California Department of Transportation letter dated November 27, 2000, and conclude that impacts beyond those previously considered are not likely to occur. Therefore, provided all proposed measures to avoid or minimize impacts are implemented, we concur with your request to extend the timing window to July 1 through October 31, and, unless new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Endangered Species Act of 1973 is necessary.

Mr. Michael Ritchie

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If you have any questions, please contact Scott Cotter or Ken Sanchez at (916) 414-6625.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen J. Miller".Handwritten initials "fn" with two horizontal lines underneath.

Karen J. Miller
Chief, Endangered Species Division

cc: Chuck Morton, Caltrans, Oakland, CA